

## Certification Process

This section covers pre-certification and certification of renewable facilities eligible only for the RPS, eligible for both the RPS and SEPs, and for registration as renewable only (not RPS eligible). This section also describes required supplemental information for renewable facilities using technologies that must meet special eligibility requirements.

After the Energy Commission's RPS guidelines go into effect, electricity generation from a facility cannot be counted towards meeting an IOU's RPS procurement requirement until the Energy Commission certifies the facility as a Renewable Supplier Eligible for the RPS or as a Renewable Supplier Eligible for the RPS and SEPs. Any facility operator interested in entering into a contract through an RPS solicitation to generate electricity that will count towards an IOU's RPS obligation must certify the facility with the Energy Commission.

Procurement from facilities not yet RPS certified will count towards an IOU's RPS obligation provided that (1) the facility meets the criteria established in the "Eligibility for the Renewable Portfolio Standard" section above and (2) the contract pursuant to which the procurement occurred was (a) entered into prior to January 1, 2002, (b) is a Standard Offer 1 contract entered into pursuant to D.04-01-050 since January 1, 2002 or (c) has been determined by the California Public Utilities Commission to be RPS eligible. The procuring IOU shall identify to the Energy Commission, on a form to be established by the Energy Commission, all such facilities and the applicable procurement from such facilities, as described above, in the years 2001 and 2002 and for each year thereafter ("Pre-Existing Renewable Procurement Report"). No further certification by the Energy Commission is required in order for procurement identified on the Pre-Existing Renewable Procurement Report to count toward a procuring party's RPS obligation. The procuring IOU shall promptly notify the Energy Commission, by no later than the next applicable Pre-Existing Renewable Procurement Report, in the event that it or any regulatory agency initiates a proceeding asserting that any facility which is the subject of a Pre-Existing Renewable Procurement Report has failed to comply with qualifying facility fuel use standards issued by the Federal Energy Regulatory Commission (see 18 C.F.R. § 292.204(b)).

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Any procurement other than that identified on an IOU's Pre-Existing Procurement Report will not be considered eligible, and will not be counted towards meeting an RPS obligation, until the applicable facility is certified by the Energy Commission as being eligible for the RPS. This applies to all facilities regardless of whether or not they previously registered with the Energy Commission's Renewable Energy Program.

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In applying for certification, the facility operator, or the IOU on the operator's behalf, agrees to participate in the Energy Commission's generation tracking system. For more information about the tracking system, please refer to the section of this guidebook entitled, "Generation Tracking System."

The generation from facilities certified as eligible for RPS may be claimed by the procuring IOU for purposes of establishing the IOU's baseline, adjusting its baseline, or meeting its annual procurement requirements, depending on the eligibility requirements

established by law. The generation from facilities certified as eligible for RPS and SEPs may qualify for SEP funding under the Energy Commission's New Renewables Facilities Program. To receive SEPs, eligible facilities must satisfy the requirements specified in the Energy Commission's *New Renewables Facilities Program Guidebook*.

## **Applying for Certification and Pre-Certification**

Facilities seeking certification as eligible for the RPS or RPS and SEPs consistent with the eligibility requirements noted above must submit a completed application, along with any necessary backup materials, to the Energy Commission at the address shown on the form. An application may be submitted by the facility operator (CEC-RPS-1) or by the procuring IOU on the operator's behalf for facilities under contract with the IOU prior to the adoption of these guidelines (CEC-RPS-2).

The Energy Commission will review the application to determine eligibility as a Renewable Supplier Eligible for the RPS or as a Renewable Supplier Eligible for the RPS and SEPs and will notify applicants once a determination of eligibility is made. Facilities that are certified by an IOU will only be granted certification for the generation procured under contract by that IOU. The facility operator must separately certify any facility generation that is not subject to the IOU's procurement contract.

Provisional or "pre" certification as an eligible renewable resource is available for applicants whose facilities are not yet on-line. The information submitted by these applicants will be subject to further verification once the pre-certified facility has been completed. Applicants must indicate their desire to be pre-certified on their completed CEC-RPS-1 form.

The Energy Commission will make every effort to notify applicants of their facility's eligibility status as soon as possible. For facilities that are not required to submit supplemental information as described below, the Committee recommends that the Energy Commission expects to review and process applications for certification and pre-certification within 10 business days of their receipt, unless questions or concerns arise regarding the applications. If questions arise, the applicant will be contacted and may be asked to submit additional information. The Energy Commission recognizes that it may receive a large volume of applications at the onset of this program and that the 10-day goal may not be met.

The Energy Commission will notify applicants in writing of its determination on the application for certification. If the application for certification or pre-certification is approved, the Energy Commission will issue a certificate stating that the facility is certified or pre-certified as eligible for the RPS, or eligible for the RPS and SEPs, as appropriate. The certificate that is issued to a facility that has been certified by an IOU will indicate certification by the IOU, rather than the facility operator, and will limit certification to the generation procured under contract by the IOU. The applicant will also be assigned a supplier identification number to be used in all subsequent transactions.

For applicants that must submit supplemental information, such as for small hydroelectric, incremental geothermal, MSW/solid waste conversion, out-of-state, or repowered facilities, the Energy Commission must conduct an extensive review of the supplemental data. The Energy Commission anticipates that review of these applications will require a minimum of 30 days from when the complete application is received. The 30-day clock starts on the date a complete application is date-stamped by the Energy Commission as received. After completing its review, the Energy Commission will either notify the applicant of its proposed determination, or will request additional information from the applicant.

Applicants that disagree with the Energy Commission's determination on certification or pre-certification applications may petition the Committee and the Energy Commission for reconsideration as described in the *Overall Program Guidebook*. As described in the *Overall Program Guidebook*, the Energy Commission expects to issue decisions on petitions for reconsideration within 45 days of receipt of a complete petition. The 45-day clock starts on the date a complete petition is date-stamped by the Energy Commission as received.

Once a facility is certified or pre-certified, its representatives must notify the Energy Commission in a timely manner of any material changes in information previously submitted to the Energy Commission or face disqualification. Certification must be renewed once every two years to confirm that all certified renewable energy resources remain eligible for the RPS. In addition, if a certified or pre-certified facility does not respond to the Energy Commission's request for an information update in a timely manner, it will risk losing its certification status.

The Energy Commission will post information on its website listing those facilities are certified as eligible for the RPS or for the SEPs. Any changes in a facility's certification status will also be posted on the Energy Commission's website.

Consistent with the *Overall Program Guidebook*, the Energy Commission may conduct periodic or random reviews to verify records submitted for certification or precertification as a Renewable Supplier eligible for the RPS or for the RPS and SEPs. Further, the Energy Commission may conduct on-site audits and facility inspections to verify compliance with the requirements for certification or pre-certification. The Energy Commission may request additional information it deems necessary to monitor compliance with the certification requirements specified in this Guidebook.

To the extent that an IOU applies for certification on a facility's behalf, the IOU must secure and have available for inspection records to verify the application for certification or pre-certification. In addition, the IOU must secure from the facility the Energy Commission's right to conduct on-site audits and facility inspections to verify compliance with the requirements of certification and pre-certification.

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